

**LEVY KONIGSBERG LLP
ATTORNEYS AT LAW
800 THIRD AVENUE
NEW YORK, N.Y. 10022**

**(212) 605-6200
FAX: (212) 605-6290
WWW.LEVYLAW.COM**

**NEW JERSEY OFFICE
QUAKERBRIDGE EXECUTIVE CENTER
101 GROVERS MILL ROAD
LAWRENCEVILLE, NJ 08648
TELEPHONE: (609) 720-0400
FAX: (609) 720-0457**

**ATLANTA OFFICE
1800 PEACHTREE ST, NW
ATLANTA, GEORGIA 30309
TELEPHONE: (404) 748-1600
FAX: (404) 745-8624**

December 2, 2016

Via ECF

Honorable Claire C. Cecchi, U. S. D. J.
United States District Court for the District of New Jersey
Martin Luther King Building & US Courthouse
50 Walnut Street, Room 4015

**Re: Hoffeditz v. AM General, LLC, et al.
Civil Action No.: 2:09-cv-257-CCC-JAD**

Dear Judge Cecchi:

Please accept this letter as Plaintiff's reply to today's submission by defendant Ford. I respectfully make three brief points.

First, it is not surprising that - contrary to its past urgings and submissions - defendant Ford wants this Court to ignore the impact of the recent decision of the Pennsylvania Supreme Court in *Rost* on the pending motion. Second, it is also not surprising that Ford continues to ignore Judge Robreno's Order (dated July 28, 2011) denying its motion for summary judgement, and finding - among other things - that Plaintiff's proofs against Ford satisfied the frequency, regularity and proximity standards set forth by the Pennsylvania Supreme Court in *Gregg* (which have been reaffirmed in *Rost*). Finally, as Plaintiff has pointed out in prior submissions, defendant Ford continues to mischaracterize Dr. Moline's testimony and to ignore the clear testimony she gave at the Hearing held before Your Honor in December of 2013.

Plaintiff and defendant Ford do agree, however, that there is no reason to further delay the disposition of the pending motion. Assuming it is denied, Plaintiff requests that Your Honor set this case down for trial at the earliest possible date.

Respectfully submitted,


Moshe Maimon

cc: All counsel of record - via ECF filing